

Californians for Renewable Energy, Inc. (CARE)

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To: Ellen Garvey APCO BAAQMD egarvey@baaqmd.gov

From: Michael Boyd – President, Californians for Renewable Energy, Inc. (CARE)

Ref: Illegal disclosures by BAAQMD in Thursday, April 27, 2000 article in the San Jose Mercury News report, *Calpine earns support for South San Jose plant*.

Ellen Garvey,

In behalf of my organization, the other intervenors, and members of the public I demand a full investigation of the illegal premature disclosure of BAAQMD's approval of an air permit for the proposed Metcalf Energy Center in the April 27, 2000 San Jose Mercury News article, *Calpine earns support for South San Jose plant*. I further demand that the BAAQMD and California Energy Commission stay all proceedings in this matter as they are null and void until such time as this matter is fully investigated, corrective action is taken, and the public's process is appropriately sanitized to remove this taint from the public's participation in such.

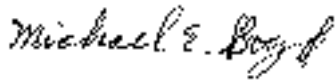
It is my understanding that the BAAQMD issued a Preliminary Determination of Compliance on the Metcalf Energy Center on April 20, 2000. It is also my understanding that this is a Preliminary document subject to public review and comment until May 31, 2000. This article states,

"Calpine Corp., ... has won an important endorsement from local air quality officials, who concluded that the power plant would not pose a serious health risk to Bay Area residents.

'There will be an impact,' said Dennis Jang, an engineer with the Bay Area Air Quality Management District, which monitors pollution locally. 'But it will not be significant. ... We are required to make sure they meet our standards for air quality,' Jang said. 'They have done that. They are in compliance with our regulations.' "

The BAAQMD employee, Dennis Jang, failed to disclose in this article that this Preliminary document is subject to public review and comment until May 31, 2000. I spoke with Noam Levey the reporter at the San Jose Mercury News on April 27, 2000 at 1:30pm who informed me that while he (Mr. Levey) had knowledge of the May 31, 2000 deadline to the public's comment period, that Mr. Jang did not disclose this information to the reporter during his interview.

CARE demands a full investigation of the illegal premature disclosure of BAAQMD's approval of an air permit for the proposed Metcalf Energy Center as this disclosure "taints" the public's review process with the cloud of approval of this project's air permit without the public's constitutionally guaranteed right to participate. CARE is a non-profit corporation dependent on public contributions to fund experts who participate in the public's behalf in this project. CARE has expended several thousand dollars of these funds to retain two consultants who are preparing written comments and questions as part of the public's review of this permit. CARE has been contacted by contributors who are concerned that their contributions towards expert consultants is for a fruitless endeavor as the issuance of the project's air permit is a "done deal". It is CARE's contention that this illegal disclosure so "taints" the public's review process that the existing process is now "null and void" and should be begun anew.



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Cc.

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CEC Metcalf dockets & proof of service list

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Calpine earns support for South S.J. plant

BY [NOAM LEVEY](#)

Mercury News Staff Writer

Calpine Corp., still fighting opposition to its proposed Coyote Valley power plant, has won an important endorsement from local air quality officials, who concluded that the power plant would not pose a serious health risk to Bay Area residents.

"There will be an impact," said Dennis Jang, an engineer with the Bay Area Air Quality Management District, which monitors pollution locally. "But it will not be significant."

The district's conclusion in a preliminary compliance report comes just weeks before state regulators are scheduled to release their own much-anticipated preliminary report on the controversial project.

Calpine and Bechtel Engineering are seeking state and local approval for a new 600-megawatt gas-fired power plant in South San Jose's Coyote Valley. The companies have maintained the project is critical to meet the growing demand for electricity in Silicon Valley.

But those plans are vigorously opposed by many South San Jose residents, who complain that the power plant will pollute their air and sicken their children. Residents have been joined by Cisco Systems Inc., San Jose's largest company, which plans to build a massive new campus nearby and has also raised concerns about a number of issues, including health.

The air quality district concluded those fears are unfounded.

Satisfied that the plant would use the most modern technology available to reduce emissions, district officials said it will not emit excessive amounts of pollutants, such as carbon monoxide or particulate matter.

And they determined that Calpine and Bechtel planned to buy enough credits from other polluting industries to ensure that the project will not significantly contribute to the deterioration of the region's air. Industries are allowed to release more pollutants if other industries that have reduced their emissions sell what are called pollution "credits."

The power plant will still have an impact. If built, it is expected to become the seventh-largest source of nitrogen oxides in the South Bay, releasing 185 tons of the smog precursors into the air each year.

By comparison, airplane and automobile traffic around San Jose International Airport was estimated to generate about 1,500 tons of the compounds this year.

But reassurances from officials such as those with the air quality district come as little consolation to many residents who live near the proposed power plant and have grown increasingly distrustful of government.

"The perception that agencies like this one are there to protect us is clearly a myth," said Issa Ajlouny of the Santa Teresa Citizens Action Group. "It's time we re-evaluate what they do."

Citizen activists criticized the district for all but signing off on the project when some pollutants generated by the power plant may put air quality very close to acceptable limits.

Carbon monoxide levels, for example, are projected to increase to within 13 percent of the legal limit for an eight-hour period; particulate matter is expected to come within 17.5 percent of the limit over a 24-hour period.

"There are so many uncertainties in these projections," said Santa Teresa resident Steve Nelson. "How can we be sure that it may not be a little more on some days?"

But the air quality district's Jang said the projections are worst-case scenarios.

"We are required to make sure they meet our standards for air quality," Jang said. "They have done that. They are in compliance with our regulations."

The air quality district's report will be reviewed by the California Energy Commission, which is scheduled to release its report on May 12.

Commission program manager Roger Johnson said he expects his office will have few major problems with the district's conclusions. But he said the state may look at the polluting effect of the plant's cooling towers, which was not analyzed in the air quality report.